

ORDINANCE NO. 04-2016
(As Amended)

Accepting a New Water Line Easement from Trivium Worthington LLC; Approving an Agreement to Install Utilities; and Vacating a Portion of the Original Water Line Easement upon the Completion of the New Water Line at 350 West Wilson Bridge Road.

WHEREAS, certain utility easements are shown and described for Lot 4 of the Officescape Subdivision at 350 West Wilson Bridge Road (PIN 100-005397-00) in Plat Book 50, Page 48; and,

WHEREAS, in connection with the redevelopment of the building and parking lot located thereon, Trivium Worthington LLC will relocate the existing water line and construct a new one to serve the users of the building; and,

WHEREAS, this relocation and reconstruction requires Trivium Worthington LLC to grant a new water line easement to the City and request that a portion of the existing platted easement be vacated by the City; and,

WHEREAS, Trivium Worthington LLC also is required to enter into an Agreement to Install Utilities with the City for the construction of the new water line, setting forth Trivium Worthington LLC's obligations with respect to the construction of the new water line and the approvals required by the cities of Columbus and Worthington.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Municipality of Worthington, County of Franklin, State of Ohio:

SECTION 1. In connection with the construction of a new public water line upon the property owned by Trivium Worthington LLC located at 350 West Wilson Bridge Road, the City hereby accepts a water line easement from Trivium Worthington LLC, as more specifically shown and identified on the "0.217 Acre Water Line Easement Exhibit" attached hereto as Exhibit "A" and made a part hereof. The City Manager is authorized to execute and deliver the necessary and appropriate documents to effectuate this grant of easement.

SECTION 2. That upon the completion and operation of the new water line constructed by Trivium Worthington LLC, the City Manager is also hereby authorized and directed to execute and deliver a release of the City's rights in and to a portion of the original platted utility easement, as more specifically shown and identified on the "0.168 Acre Water Line Easement Vacation Exhibit" attached hereto as Exhibit "B" and made a part hereof.

ORDINANCE NO. 04-2016
(As Amended)

SECTION 3. That the City Manager be and is hereby authorized and directed to enter into an agreement with Trivium Worthington LLC for the installation of the public water line substantially in the form of the Agreement to Install Utilities attached hereto as Exhibit "C" and made a part hereof, with such changes as may be approved by the City Manager and Director of Law that are not adverse to the City.

SECTION 4. That notice of passage of this Ordinance shall be posted in the Municipal Administration Building, the Worthington Library, the Griswold Center and the Worthington Community Center and shall set forth the title and effective date of the Ordinance and a statement that the Ordinance is on file in the office of the Clerk of Council. This Ordinance shall take effect and be in force from and after the earliest period allowed by law and by the Charter of the City of Worthington Ohio.

Passed January 19, 2016

/s/ Bonnie D. Michael
President of Council

Attest:

/s/ D. Kay Thress
Clerk of Council

Introduced January 4, 2016
P.H. January 19, 2016
Effective February 10, 2016

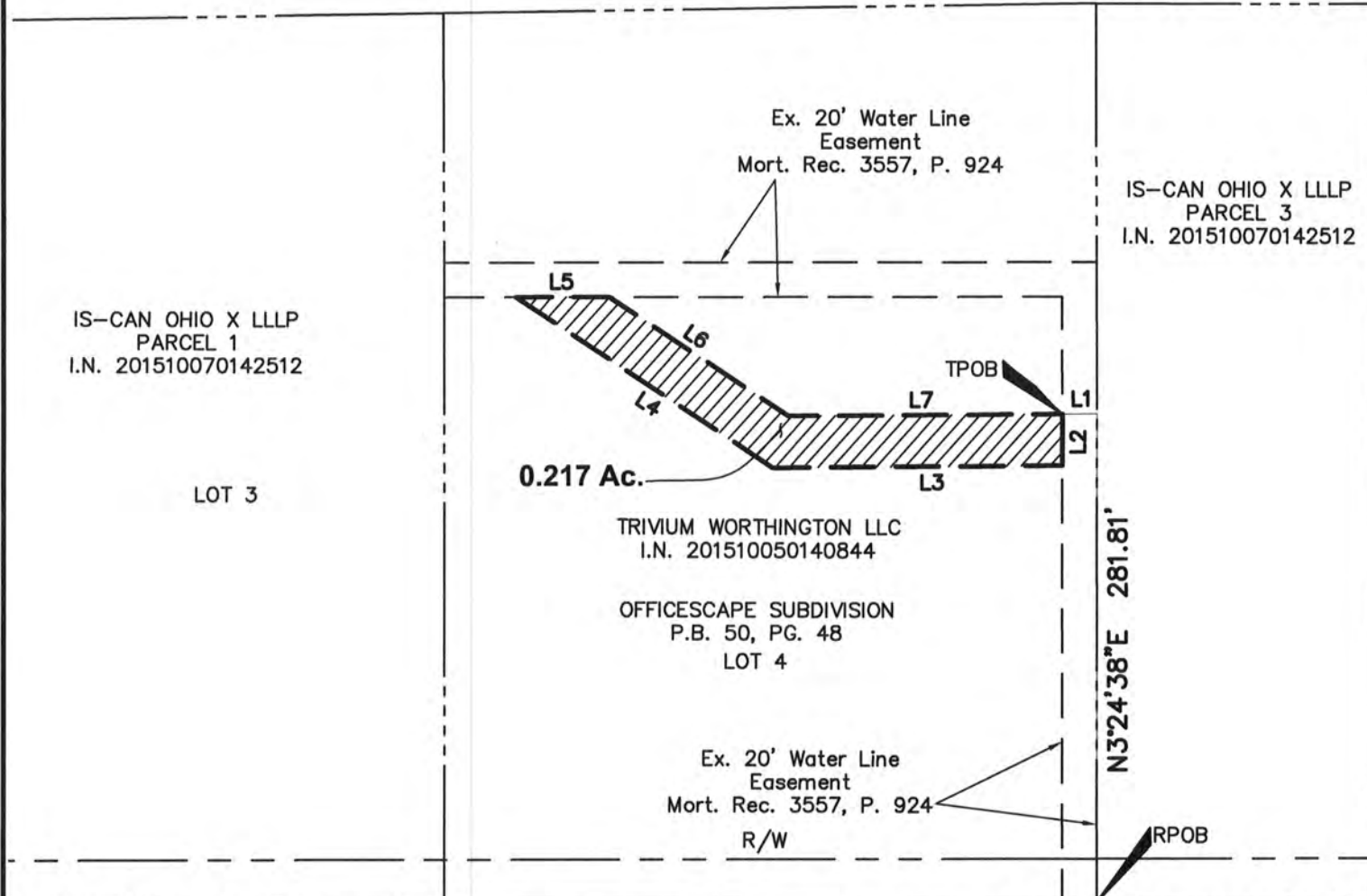
0.217 Acre Water Line Easement Exhibit

Quarter Township 2, Township 2, Range 18, USMD
City of Worthington, Franklin County, Ohio

Exhibit "A"
Page 1 of 2

INTERSTATE 270

L.A. R/W I-270

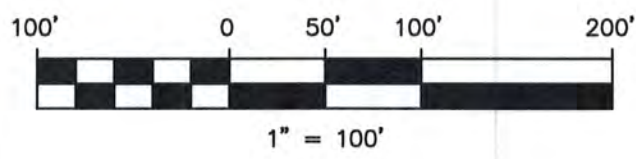


WILSON BRIDGE ROAD
P.B. 40, PG. 74

OLD WILSON BRIDGE ROAD
P.B. 43, PG. 44

RIEBER STREET
P.B. 40, PG. 74

WILSON BRIDGE ROAD
P.B. 43, PG. 44



LINE TABLE		
LINE	BEARING	DISTANCE
L1	N86°56'33"W	20.00'
L2	S03°24'38"W	30.00'
L3	N86°56'33"W	167.78'
L4	N52°50'22"W	178.82'
L5	S86°35'22"E	54.00'
L6	S52°50'22"E	124.72'
L7	S86°56'33"E	158.77'

Bearings are based on the Ohio State Plane Coordinate System NAD83, NSRS 2007.

This drawing is based on existing recorded records and an actual field survey by Advanced Civil Design, Inc. in August 2015.

DRAWN BY: BCK JOB NO.: 15-0017-344
DATE: 1/6/2016 CHECKED BY: DRB



D. Hock
Douglas R. Hock, P.S. 7661

ADVANCED
CIVIL DESIGN
ENGINEERS SURVEYORS

422 Beecher Road
Gahanna, Ohio 43230
ph 614.428.7750
fax 614.428.7755

**Water Line Easement
0.217 Acre
North of Wilson Bridge Road
East of Rieber Street**

Situated in the City of Worthington, County of Franklin, State of Ohio, Quarter Township 2, Township 2, Range 18, U.S.M.D., and being part Lot 4 of the Officescape Subdivision of record in Plat Book 50, page 48, said Lot 4 also being conveyed to Trivium Worthington LLC, of record in Instrument No. 201510050140844, said easement vacation being described as follows:

Beginning, for reference, at the southeast corner of said Lot 4, said corner also being the southwest corner of Parcel 3 as it is described in the deed to IS-CAN OHIO X LLLP of record in Instrument No. 201510070142512 and in the centerline of Old Wilson Bridge Road as dedicated in Plat Book 43, Page 44;

Thence along the easterly line of said Lot 4 and the westerly line of said Parcel 3, **N 03° 24' 38" E, 281.81 feet** to a point;

Thence across said Lot 4, **N 86° 56' 33" W, 20.00 feet** the **True Point of Beginning**;

Thence across said Lot 4, the following six (6) courses and distances;

S 03° 24' 38" W, 30.00 feet;

N 86° 56' 33" W, 167.78 feet;

N 52° 50' 22" W, 178.82 feet;

S 86° 35' 22" E, 54.00 feet;

S 52° 50' 22" E, 124.72 feet;

S 86° 56' 33" E, 158.77 feet to the **True Point of Beginning**.

Containing **0.217 acre**, more or less. The above description was prepared by Advanced Civil Design on January 6, 2016 and is based on existing Franklin County records and an actual field survey by Advanced Civil Design in August 2015. A drawing of the above description is attached hereto and made a part thereof.

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All references used in this description can be found at the Recorder's Office, Franklin County, Ohio.



ADVANCED CIVIL DESIGN, INC.

A handwritten signature in blue ink that appears to read "Douglas R. Hock".

Douglas R. Hock, P.S. 7661

1/11/16

Date:

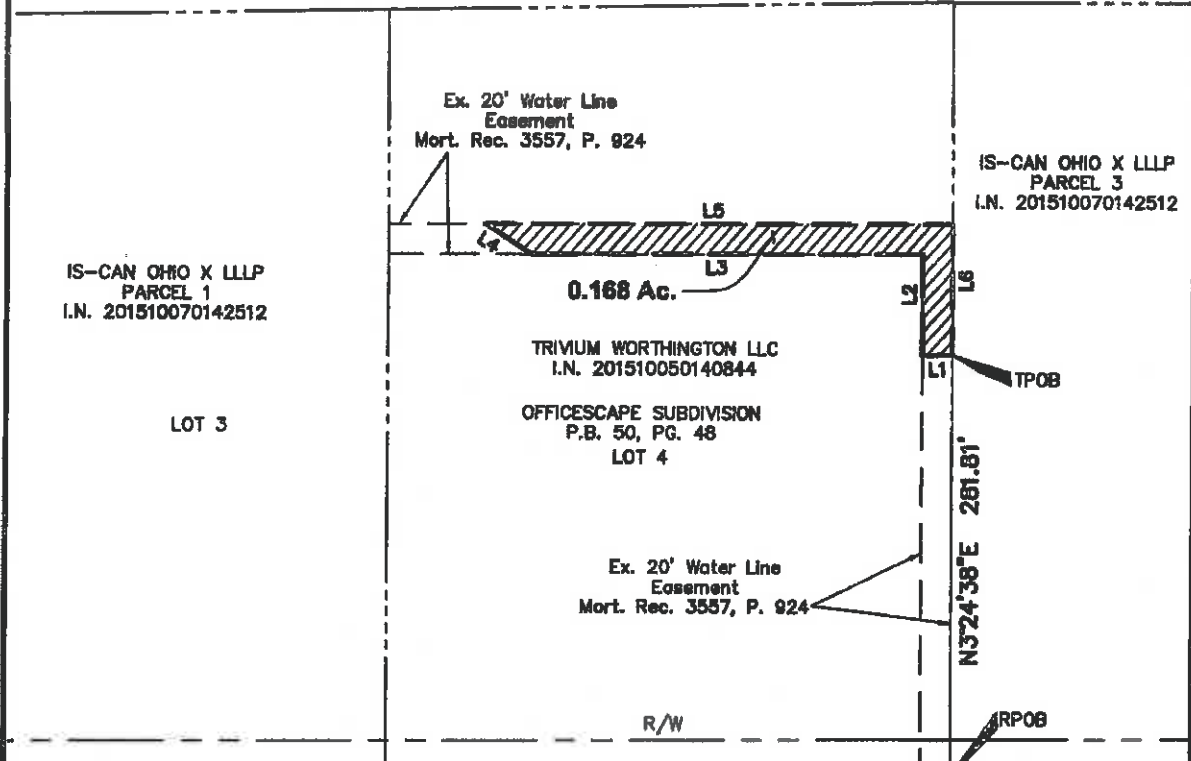
0.168 Acre Water Line Easement Vacation Exhibit

Quarter Township 2, Township 2, Range 18, USMD
City of Worthington, Franklin County, Ohio

EXHIBIT "B"
Page 1 of 2

INTERSTATE 270

L.A. R/W I-270

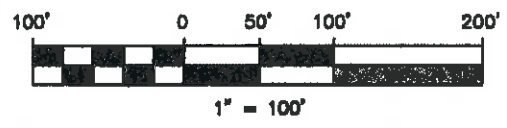


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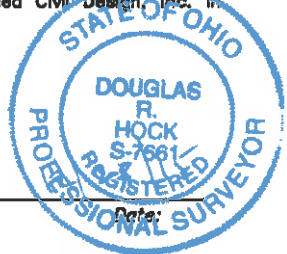


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Douglas R. Hock
Douglas R. Hock, P.S. 7661



DRAWN BY: BCK JOB NO.: 15-0017-344
DATE: 12/23/2015 CHECKED BY: DRB



422 Beecher Road
Columbus, Ohio 43230
ph 614.428.7750
fax 614.428.7755

EXHIBIT "B"
Page 2 of 2

**Water Line Easement Vacation
0.168 Acre
North of Wilson Bridge Road
East of Rieber Street**

Situated in the City of Worthington, County of Franklin, State of Ohio, Quarter Township 2, Township 2, Range 18, U.S.M.D., and being part Lot 4 of the Officescape Subdivision of record in Plat Book 50, page 48, said Lot 4 also being conveyed to Trivium Worthington LLC, of record in Instrument No. 201510050140844, said easement vacation being described as follows:

Beginning, for reference, at the southeast corner of said Lot 4, said corner also being the southwest corner of Parcel 3 as it is described in the deed to IS-CAN OHIO X LLLP of record in Instrument No. 201510070142512 and in the centerline of Old Wilson Bridge Road as dedicated in Plat Book 43, Page 44;

Thence along the easterly line of said Lot 4 and the westerly line of said Parcel 3, N 03° 24' 38" E, 281.81 feet to the ***True Point of Beginning***;

Thence across said Lot 4, the following five (5) courses and distances;

N 86° 56' 33" W, 20.00 feet;

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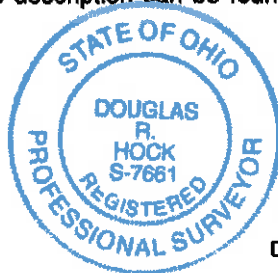
S 86° 35' 22" E, 312.40 feet to the easterly line of said Lot 4 and westerly line of said Parcel 3;

Thence with the easterly line of said Lot 4 and the westerly line of said Parcel 3, S 03° 24' 38" W, 88.19 feet to the ***True Point of Beginning***.

Containing 0.168 acre, more or less. The above description was prepared by Advanced Civil Design on December 23, 2015 and is based on existing Franklin County records and an actual field survey by Advanced Civil Design in August 2015. A drawing of the above description is attached hereto and made a part thereof.

Bearings are based on the Ohio State Plane Coordinate System NAD83, NSRS 2007.

All references used in this description can be found at the Recorder's Office, Franklin County, Ohio.



ADVANCED CIVIL DESIGN, INC.

Douglas R. Hock, P.S. 7661

Date:

12/23/15

EXHIBIT "C"

AGREEMENT TO INSTALL UTILITIES

THIS AGREEMENT is executed on this _____ day of _____, 2016, by and between Trivium Worthington LLC, an Ohio limited liability company (the "Developer") and the City of Worthington, Ohio, an Ohio municipal corporation (the "City"), pursuant to Chapters 925, 927 and 1101 of the Codified Ordinances of the City of Worthington and the construction plans for the relocation of a portion of the public water line proposed to be installed at 350 West Wilson Bridge Road, Worthington, Ohio (the "Project").

In consideration of the approval of the Project by the City of Worthington, Ohio, it is hereby agreed as follows:

Section 1. The proposed improvements constituting the Project and their ultimate use shall conform to the construction plans as approved by the City and the requirements of law, including without limitation, the Codified Ordinances of the City of Worthington, except as may be authorized by proper authority.

Section 2. The Developer shall grant or cause to be granted to the City of Worthington, a permanent, non-exclusive easement twenty feet in width centered upon the proposed relocated water line for the purpose of constructing, operating and maintaining the water line and all appurtenances, as shown more specifically on the "0.217 Acre Water Line Easement Exhibit" attached hereto as Exhibit "A" and made a part hereof. The deed of easement shall also include a right-of-entry to the property granted to the City or its agents as required for maintenance or repair of the water line or its appurtenances. The form of deed of easement shall be reasonably acceptable to the Developer and the City. Said deed shall be recorded with the Franklin County Recorder, with a recorded copy provided to the Office of the City Engineer prior to commencement of any construction work by the Developer.

Section 3. The Developer shall take all action necessary and required to close and abandon a portion of the existing 6" water line, as shown on the "0.168 Acre Water Line Easement Vacation Exhibit" attached hereto as Exhibit "B" and made a part hereof.

Section 4. The Developer shall pay the entire cost and shall construct, install or otherwise provide all public water line improvements as per the plans prepared by Advanced Civil Design titled Public Water Line Relocation Schematic dated December 28, 2015 attached hereto as Exhibit "C" (as the same may be modified from time to time, provided any modifications are approved by the City), and any additional plans required to be submitted to the City for the construction, under the supervision of the City Engineer (the "Utility Drawings"). The Utility Drawings shall be maintained on file in the office of the City Engineer.

{00215587-2}

Section 5. Prior to beginning any construction work, all necessary permits shall be obtained by the Developer with copies of each provided to the City, including without limitation required approvals from the City of Columbus.

Section 6. The City Engineer shall be notified, in writing, fourteen days before any construction is begun on the water line improvements in order that inspection may be provided.

Section 7. The Developer shall hold the City of Worthington, its officials, and employees free and harmless from any and all claims for damages of every nature arising or growing out of the construction of the water line improvements, and shall defend, at its own cost and expense, any suit or action brought against the City of Worthington, or its officials and employees, by reason thereof, until the public improvements have been accepted by the City Council.

Section 8. The Developer or the Contractor constructing the water line shall carry at least the following minimum amounts of insurance: General Public Liability Insurance, on an occurrence basis, in an amount not less than Five Hundred Thousand Dollars (\$500,000.00) for injuries, including those resulting in death, to any one person, and an amount not less than One Million Dollars (\$1,000,000.00) for damages on account of any one accident or occurrence; and Property Damage Insurance on an occurrence basis in an amount not less than Two Hundred Fifty Thousand Dollars (\$250,000.00) for damages on account of any one accident or occurrence.

The insurance shall be maintained in full force and effect during the construction of improvements and shall protect the City, its officials, employees, agents and representatives from claims for damages to property arising in any manner from the negligent or wrongful acts, errors or omissions of the Developer or Contractor, their employees, agents, or representatives in the construction of the improvements. Certificates of Insurance naming the City as additional insured shall be obtained and filed with the City prior to commencement of construction of improvements. These certificates shall contain a provision that coverages afforded under the policies shall not be cancelled unless at least thirty (30) days prior actual written notice has been given to the City.

Section 9. The Developer shall provide to the City a performance bond or irrevocable letter of credit acceptable to the City, or a certified check, in an amount equal to the estimated cost of constructing the water line improvements, guaranteeing the completion thereof within one year from the date of approval of this Agreement, or such extension of time as may be granted by Council. The performance bond or letter of credit acceptable to the City or certified check shall be released upon acceptance of the public improvements by the City and upon the furnishing by the Developer of an additional bond or letter of credit acceptable to the City, or a certified check, in an amount equal to ten percent (10%) of the estimated cost of construction, guaranteeing the maintenance of the water line improvement for a period of one year from the date of acceptance. The maintenance bond or letter of credit acceptable to the City or certified check shall be released upon satisfactory completion of the one year maintenance period. The Developer shall be responsible for the maintenance and care of the water line improvements for a period of one year after acceptance by the City.

Section 10. The City will accept the water line improvements as public improvements upon substantial completion in accordance with the approved Utility Plans. Upon approval and acceptance of the public improvements, reproducible as built construction drawings of the public improvements shall become the property of the City of Worthington and shall be kept on file in the office of the City Engineer.

Section 11. This Agreement shall inure to the benefit of and be binding on the heirs, executors, successors or assigns of the Developer.

Section 12. This Agreement and the required easements shall be recorded by the Developer at the Developer's cost in the Office of the Franklin County Recorder and shall become a public record of Franklin County, State of Ohio.

IN WITNESS WHEREOF, the parties having been duly authorized, have caused this Agreement to be executed and subscribed this _____ day of _____, 2016.

TRIVIUM WORTHINGTON LLC
An Ohio limited liability company

By: Trivium Development LLC,
Its Sole Member

By: _____
Name: _____
Its: _____

CITY OF WORTHINGTON, OHIO
An Ohio municipal corporation

By: _____
Name: _____
Its: _____

Approved as to form:

Pamela A. Fox
Director of Law, City of Worthington

(Acknowledgements contained on the following page.)

STATE OF OHIO
COUNTY OF FRANKLIN

BE IT REMEMBERED, that on this _____ day of _____, 2016, the foregoing instrument was acknowledged before me, a Notary Public in and for the jurisdiction aforesaid, by Tim Spencer, the President of Trivium Development LLC, the sole member of Trivium Worthington LLC, an Ohio limited liability company, on behalf of the company.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day aforesaid.

Notary Public

Commission Expires: _____

STATE OF OHIO
COUNTY OF FRANKLIN

BE IT REMEMBERED, that on this _____ day of _____, 2016, the foregoing instrument was acknowledged before me, a Notary Public in and for the jurisdiction aforesaid, on behalf of the City of Worthington, an Ohio municipal corporation, by Matthew H. Greeson, its City Manager.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day aforesaid.

Notary Public

Commission Expires: _____

This document prepared by:
Pamela A. Fox, Director of Law
City of Worthington
370 Highland Avenue
Worthington, Ohio 43085
(614) 880-1464 (dd)
pfox@ci.worthington.oh.us

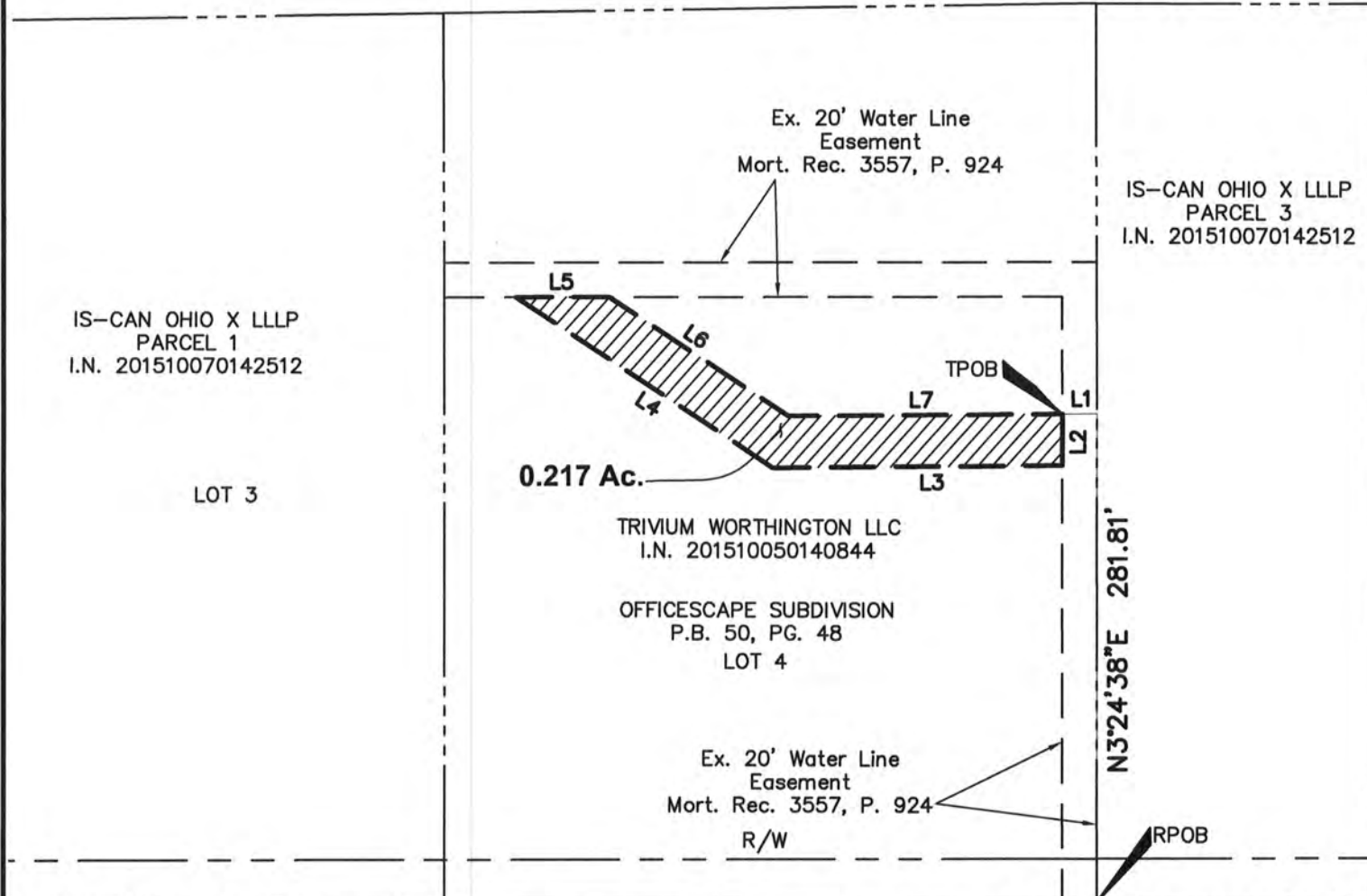
0.217 Acre Water Line Easement Exhibit

Quarter Township 2, Township 2, Range 18, USMD
City of Worthington, Franklin County, Ohio

Exhibit "A"
Page 1 of 2

INTERSTATE 270

L.A. R/W I-270

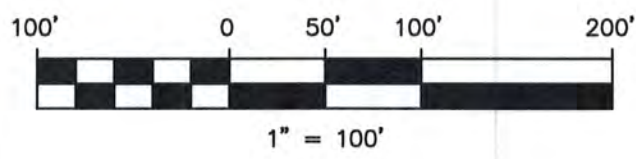


WILSON BRIDGE ROAD
P.B. 40, PG. 74

OLD WILSON BRIDGE ROAD
P.B. 43, PG. 44

RIEBER STREET
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WILSON BRIDGE ROAD
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DRAWN BY: BCK JOB NO.: 15-0017-344
DATE: 1/6/2016 CHECKED BY: DRB



D. Hock
Douglas R. Hock, P.S. 7661

ADVANCED
CIVIL DESIGN
ENGINEERS SURVEYORS

422 Beecher Road
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**Water Line Easement
0.217 Acre
North of Wilson Bridge Road
East of Rieber Street**

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Thence along the easterly line of said Lot 4 and the westerly line of said Parcel 3, **N 03° 24' 38" E, 281.81 feet** to a point;

Thence across said Lot 4, **N 86° 56' 33" W, 20.00 feet** the **True Point of Beginning**;

Thence across said Lot 4, the following six (6) courses and distances;

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Douglas R. Hock, P.S. 7661

1/11/16

Date:

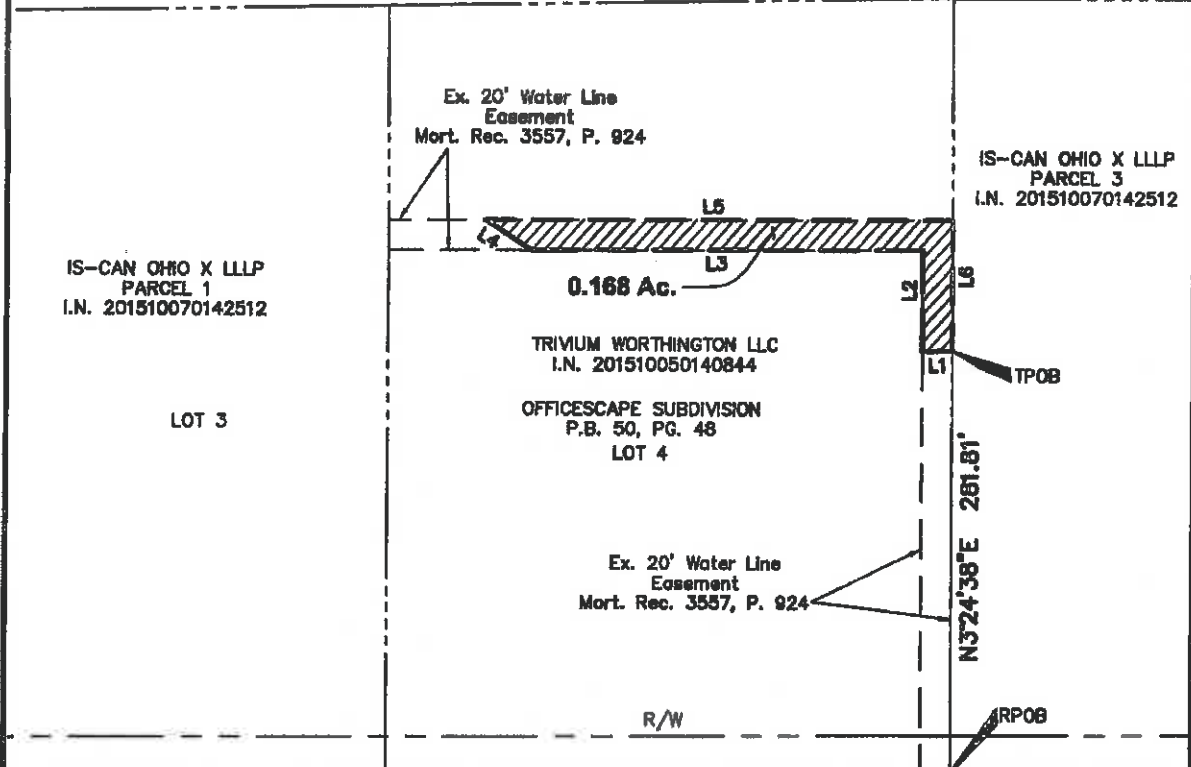
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City of Worthington, Franklin County, Ohio

EXHIBIT "B"
Page 1 of 2

INTERSTATE 270

L.A. R/W I-270

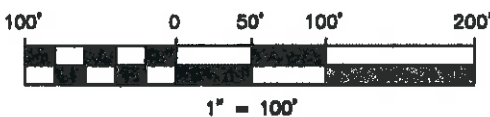


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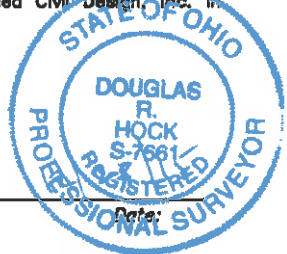


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EXHIBIT "B"
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0.168 Acre
North of Wilson Bridge Road
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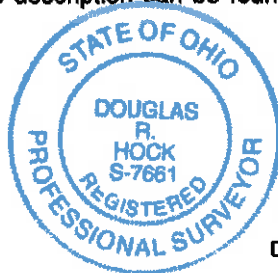
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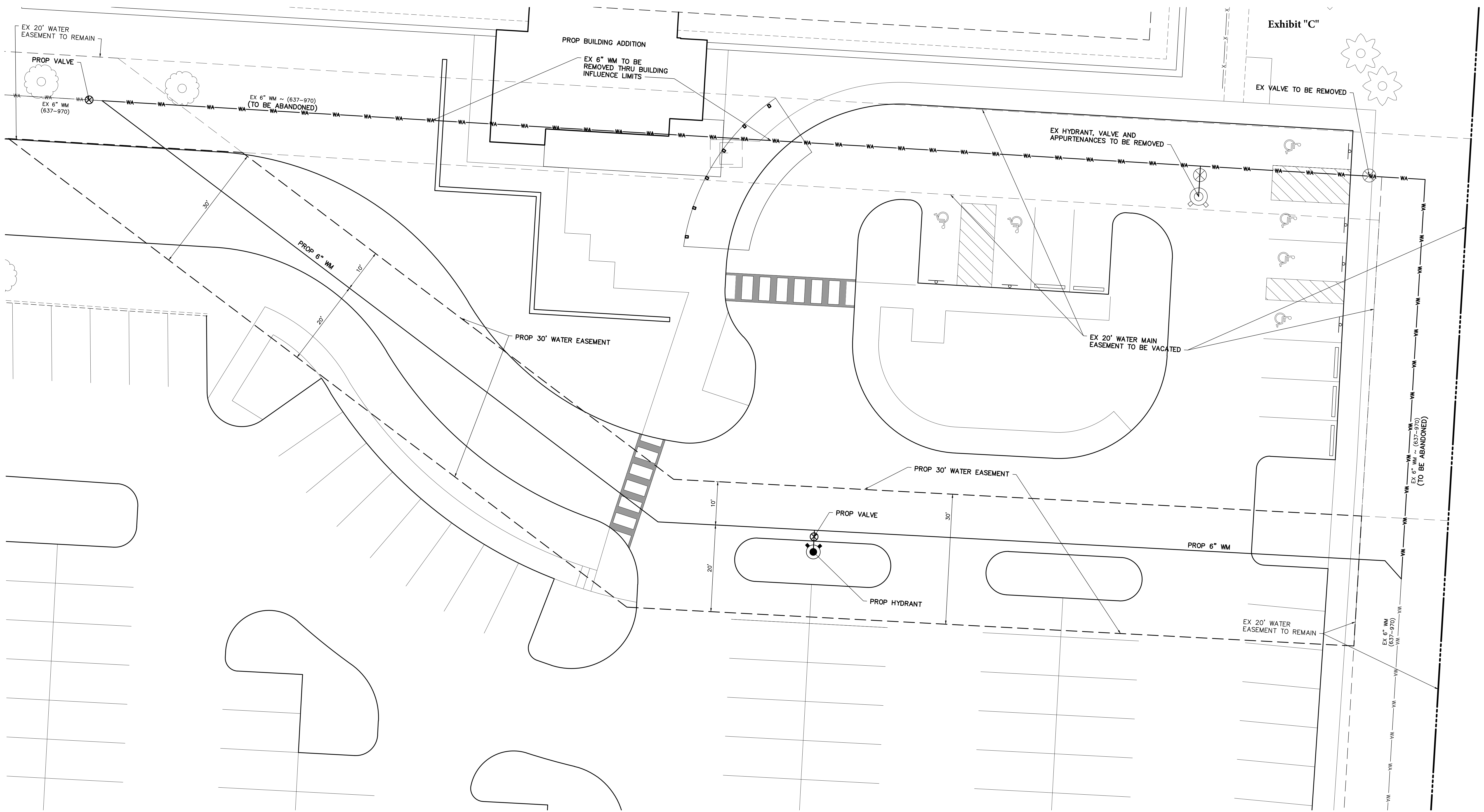
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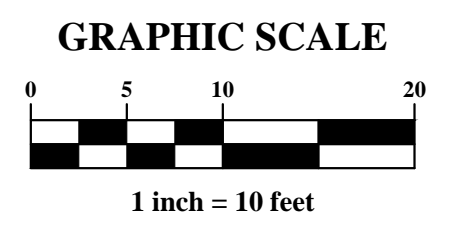
Douglas R. Hock 12/23/15

Z:\15-0017-344\DWG\PRODUCTION DRAWINGS\EXHIBIT\0017-344_water main relocation exhibit.dwg 2/4/16 - landscape Jan 06, 2016 - 7:35:56am tcullinan



CONSTRUCTION SEQUENCE:

STANDARD DUTY VALVE TO BE INSTALLED WEST OF RELOCATED WATERMAIN NORTHERN WESTERN TIE IN. THIS PROPOSED VALVE AND EXISTING VALVE AT TAP OFF OF WEST OLD WILSON BRIDGE ROAD TO BE CLOSED DURING WATERLINE RELOCATION CONSTRUCTION. ONLY TO BE OPENED AFTER ACCEPTANCE AND CHLORINATION.
ONLY CITY OF COLUMBUS PERSONNEL ARE PERMITTED TO OPERATE VALVES.



CITY OF WORTHINGTON / FRANKLIN COUNTY, OHIO
PUBLIC WATERLINE RELOCATION SCHEMATIC
 FOR
350 W. WILSON BRIDGE ROAD
 PLAN PREPARED BY:

ADVANCED CIVIL DESIGN
 ENGINEERS & SURVEYORS

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SCALE: 1" = 10'
 DATE: January 6, 2016

SHEET 1 / 1